


E. Wimmer
5-15-035/
Election

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. : 09/870,210

APPLICANT : Scott Wolinsky

EXAMINER : JONES, Scott E.

FILED : May 30, 2001

ART UNIT : 3713

FOR : METHOD AND APPARATUS FOR
SIMULATING GAME ACCESSORIES

May 14, 2003

RESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

This responds to the Office Action mailed on April 17, 2003.

The Examiner has required restriction under 35 U.S.C. § 121 to either (I) Claims 1-56 and 81-108 or (II) 57-80. In response thereto, Applicant elects the Invention of Group I (Claims 1-56 and 81-108).

The Examiner has required Applicant to elect a single disclosed species for prosecution on the merits from (A.) the game accessory is one or more die

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SERIAL NO. : 09/870,210

(claims 4, 29, 37, 49, 85, and 99); (B.) the game accessory is a spinner (claims 5, 21, 38, 50, 86, and 100); and (C.) the game accessory indicates a special game instruction (claims 6, 22, 39, 51, 87, and 101).

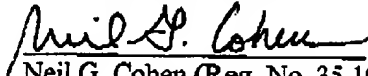
Applicant believes that the requirement for such an election of species is improper. Indeed, the subcombination (A.) one or more die, (B.) a spinner, and (C.) special game instruction should all be considered because they provide special game instructions. For example, in one embodiment, a spinner may point to the number "8", meaning that player is instructed to move 8 spaces. In another embodiment, one or more die may do the same. Nevertheless, if the Examiner believes that the election is still required, Applicant elects subcombination (A.) one or more die (claims 4, 20, 37, 49, 85 and 99).

The Examiner has also required Applicant to elect a single disclosed species for prosecution on the merits from (a.) the terminal is a speakerphone (claims 12, 28, 40, 52, 90, and 104); (b) the terminal is a wireless telephone (claims 13, 29, 41, 53, 91, and 105); (c) the terminal is a walkie talkie (claims 14, 30, 42, 54, 92, and 100); (d.) the terminal is a wireless toy (claims 15, 31, 43, 55, 93, and 107); and (e) the terminal is a transceiver (claims 16, 32, 44, 56, 94, and 108).

SERIAL NO. : 09/870,210

Applicant believes that the requirement for such an election of species is improper. Indeed, the subcombinations (a.) speakerphone, (b.) wireless telephone, (c.) walkie talkie, (d.) wireless toy, and (e.) transceiver should all be considered because they are all transceivers. Nevertheless, if the Examiner believes that the election is still required, Applicant elects subcombination (b.) wireless telephone (claims 13, 29, 41, 53, 91, 105).

Respectfully submitted,


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